

# UTILITY PATENT APPLICATION TRANSMITTAL

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

Attorney Docket No.

**SETI-0005**

## TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of ( ) application identifier or (X) first named inventor, Gaska et al., entitled LIGHT EMITTING HETEROSTRUCTURE, for a(n):

(X) Original Patent Application.

( ) Continuing Application (prior application not abandoned):

( ) Continuation ( ) Divisional ( ) Continuation-in-part (CIP)  
of prior Application No. \_\_\_\_\_, filed on \_\_\_\_\_.

( ) A statement claiming priority under 35 USC § 120 has been added to the specification.

(X) A statement claiming priority under 35 USC § 119(e) has been added to the specification. (for provisional conv.)

Enclosed are:

(X) Specification; 13 Total Pages. (X) Drawing(s); 4 Total Sheets.

(X) Oath or Declaration:

(X) A Newly Executed Combined Declaration and Power of Attorney:

(X) Signed. ( ) Unsigned. ( ) Partially Signed.

( ) A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).

( ) Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.

( ) Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).

( ) Power of Attorney

(X) Return Receipt Postcard

( ) Associate Power of Attorney

(X) Check in the amount of \$ 385.00 for the Filing Fee

( ) Preliminary Amendment

(X) Information Disclosure Citation (Form PTO-1449) with copy of (5) non-patent references

( ) Certified Copy of Priority Documents  
(if foreign priority is claimed)

(X) Recordation Form Cover Sheet

(X) Assignment in 1 pg.

(X) Applicant asserts small entity status

(X) Check in the amount of \$40 for the Recordation Fee

( ) Other: \_\_\_\_\_

| CLAIMS AS FILED                              |           |           |         |          |
|--|-----------|-----------|---------|----------|
| FOR  | NO. FILED | NO. EXTRA | RATE    | FEE      |
| Total Claims                                 | 20        | 0         | \$9.00  | \$0.00   |
| Independent Claims                           | 3         | 0         | \$43.00 | \$0.00   |
| Multiple Dependent Claim Fee (if applicable) |           |           |         | \$0.00   |
| Assignment Recording Fee (if applicable)     |           |           |         | \$0.00   |
| Basic Filing Fee                             |           |           |         | \$385.00 |
| Total Filing Fee                             |           |           |         | \$385.00 |

Please charge \$ ----- to Deposit Account No. 500999 pursuant to 37 CFR § 1.25. At any time during the pendency of this application, the Commissioner is hereby authorized to charge any fees required or credit any overpayment to this Deposit Account. A duplicate copy of this sheet is enclosed for fee processing against this Deposit Account.

Respectfully submitted,

By: John W. LaBatt  
John W. LaBatt, Attorney of Record, Reg. No. 48,301

Date: October 22, 2003

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I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By: Dorothea Rubbone  
Typed Name: Dorothea Rubbone

Express Mail Label No.: EV225574270US  
Date of Deposit: October 22, 2003